

REMARKS

By this amendment, claims 1-16 are pending, in which claims 1, 5, and 12 are currently amended. No new matter is introduced.

Claims 1-16 are objected to based on alleged informalities.

In response, the objected to informalities in claims 1, 5, and 12 has been corrected as kindly suggested by the Examiner. Accordingly, withdrawal of the objections is solicited.

The Office Action mailed January 21, 2010 rejected claims 1-16 under 35 U.S.C. § 102(e) as being anticipated by *Stransky et al.* (US Pub. 2003/0144939).

This rejection is respectfully traversed.

With respect to the anticipation rejection, the Applicants have amended independent claims 1 and 12 by adding features fully disclosed in the specification, for example paragraph [0021].

“To serve as an anticipation when the reference is silent about the asserted inherent characteristic, such gap in the reference may be filled with recourse to extrinsic evidence. Such evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill.” *Continental Can Co. USA v. Monsanto Co.*, 948 F.2d 1264, 1268, 20 USPQ2d 1746, 1749 (Fed. Cir. 1991) (The court went on to explain that “this modest flexibility in the rule that **'anticipation' requires that every element of the claims appear in a single reference** accommodates situations in which the common knowledge of technologists is not recorded in the reference; that is, where technological facts are known to those in the field of the invention,

albeit not known to judges.” 948 F.2d at 1268, 20 USPQ at 1749-50 (MPEP 2131.01). (Emphasis added).

As amended, claims 1 and 12 recite, among other features, “a multiplicity of individual tokens, each token bearing an identity code, and having a user-removable obscuring means obscuring reading of the identity code, **wherein each token is a part of a collectable series.**” (Emphasis added). *Stransky et al.* describes methods for granting customers access to a product or set of products. *Stransky et al.* teaches a single smart card, multiple smart cards, and cardboard or plastic prepaid cards (*See*, paragraphs [0004], [0006]). These cards carry codes that can be utilized to obtain a product. However, *Stransky et al.* never discloses “**wherein each token is a part of a collectable series.**” Instead, *Stransky et al.* features the distribution of unassociated cards (*See*, paragraph [0021]). Therefore, *Stransky et al.* fails to disclose each element of independent claims 1 and 12.

Therefore, the Applicants respectfully request the withdrawal of the anticipation rejection of independent claims 1 and 12 and claims 2-11 and 13-16 which depend therefrom.

Therefore, the present application, as amended, overcomes the objections and rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 519-9952 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

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Date

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